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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,717	09/30/2003	Ioannis D. Keramidas	KERAMIDAS - 1	4513

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EXAMINER

NGUYEN, TUAN N

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,717

Applicant(s)

KERAMIDAS, IOANNIS D.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5 and 7-12 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/30/03 & 4/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

2. Claim 8 is objected to because of the following informalities: claim 8 is an improper dependent claim because it depends upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to which structure is the limitation "and integrally... carrying body" in lines 18-19 of claim 7 is referring to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,412,120 (hereinafter Leonard).

In regard to claim 1, Leonard discloses a device for dispensing a liquid active substance into flushing water of a toilet bowl, comprising: a supply container (18) provided with an opening on an underside, and being fillable with the liquid active substance; a carrying body (10, 24) retaining the supply container, the carrying body affixable on a rim of the toilet bowl, a distributor plate (see Fig. 11E) retained on an underside of the carrying body, the distributor plate being reachable by the flushing water and having capillary channels (the outward most V-shaped channels) which are connected to the opening of the supply container via distributor channels (the channels connecting from 44e to the V-shaped channels), the distributor channels being branched several times one behind the other over their entire length, wherein an end of each distributor channel is connected to at least two of the capillary channels (see Fig. 11E).

In regard to claim 3, wherein the distributor channels (top left and right channels) in the distributor plate branch at an acute angle, and a wedge is formed at each branching location.

In regard to claims 7 and 8, the Leonard device as discussed above further comprises a resilient clip (12) provided on the carrying body for the purpose of fixing the device on the rim of the toilet bowl, wherein the resilient clip is securable in a height-adjustable manner on the carrying body by latching means, and integrally formed on a side wall of the carrying body (as best understood); and abutments (see Fig. 7, both

Art Unit: 3751

ends of 32) on both sides of the resilient clip which engage beneath the rim of the toilet bowl (see Figs. 12 and 13). Wherein the abutments are provided on mutually opposite end regions of the sidewall (36) of the carrying body.

In regard to claim 9, the Leonard device as discussed above (see Fig. 23 for better illustration) further comprises a wall (136, 166) integrally formed on the distributor plate, the wall partially engaging over the carrying body (180, 193) and extending along a side located opposite the capillary channels and, at least in part, over adjoining end sides of the distributor plate, wherein a sealing groove is formed on the inside of the wall and a correspondingly shaped sealing lip of the carrying body engages the sealing groove (see Figs. 23-26 and col. 11, line 11 et seq.).

In regard to claim 10, wherein the distributor plate has a hollow with a siphon in the bottom, the hollow being located near the capillary channels and the siphon having an over-flow edge that is below the capillary channels (see Fig. 24 and col. 13, line 59 et seq.).

In regard to claim 11, wherein the hollow in the distributor plate is formed as a groove, which, at an open end of the capillary channels, serves as the end running crossways, the groove having a depth that is deep enough so that the siphon with its over-flow edge remains under the capillary channels (see Fig. 24 and col. 13, line 59 et seq.).

In regard to claim 12, wherein the hollow in the distributor plate (see Fig. 24 and col. 13, line 59 et seq.) is formed as a shaft (where 166 is pointing), the shaft extending

Art Unit: 3751

over several capillary channels and being connected to a cross-groove (formed by 142 and 166) at an open end of the capillary channels.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard.

The Leonard reference discloses the distributor channels or the capillary channels have a V-shaped cross section and an opening of various angles (see Figs. 29a-29f and col. 12 line 56 et seq.). It would have been obvious to one having ordinary skill in the art at the time the invention was made to obtain an opening angle of between 40° and 120° as claimed, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

Allowable Subject Matter

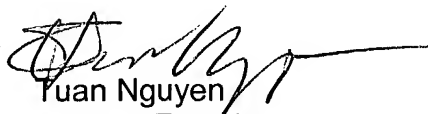
6. Claims 2, 4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,651,261 discloses another toilet rim mounted cleaner with another type of distributor plate.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 703-306-9046. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen
Primary Examiner
Art Unit 3751
10/29/04

TN